

**Washington County Land Use Authority Meeting
February 9, 2010
(Recording available)**

The Washington County Land Use Authority Meeting was held on Tuesday, February 9, 2010, at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present: Kim Ford, Debora Christopher, Doug Wilson, Joann Balen, Julie Cropper and Rick Jones. Also present: Deon Goheen, Planning & Zoning Administrator; Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; John Willie, Senior Planner; and Todd Edwards, County Engineer..

Excused: Dave Everett

Audience attendance: Adam Bowler, Russ Funk, Jeff Gardner, Rob Tersigni, James Jorquez, Ken Kofoed, and Andrew Osborn.

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item # 1. STAFF COMMENTS Review staff comments for each item listed below. Staff initiated.

Item #2. CONDITIONAL USE PERMIT EXTENSION Review extension to locate a temporary hot mix plant within the M-1 zone, generally located south of the County Landfill, a portion of Section 20, T42S, R14W, SLB&M, Washington County unincorporated. Western Rock Products/ Bob Roth, applicant

The planner informed the commission of the completion of the construction project on I-15 between Washington Exit 10 and Hurricane Exit, with the hot mix plant being removed, so this item was withdrawn.

No action taken.

Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension to expand the sewer lagoons for the Town of Enterprise within the A-20 Zone, Section 12, T38S, R17W, SLB&M generally located 1/4 mile south of Enterprise. Enterprise City, applicant

The Planner explained this is an automatic annual review of the conditionally approved expansion of the Enterprise sewer lagoons. The City of Enterprise established sewer lagoons at this location in the early 1980's, which were never reviewed by the planning commission for a Conditional Use Permit. They have completed the installation of two (2) new cells in conjunction with the Department of Environmental Quality overseeing the project. As reviewed previously, the facility is located on 36.65 acres, which includes a discharge area and four (4) cells. The existing equipment building should have been removed and a new chlorination/blower building constructed. Utilities are conditionally approved in all zones in the County. Sewer lagoons and treatment plants are conditionally approved within the I-1 (Industrial) zone. Whereas, this is an existing use and was reviewed for expansion, the commission considered this conditionally,

within the A-20 zone as being in harmony with the intent of the zone. The commission may want to grant permanent status to the Conditional Use Permit.

Adam Bowler, representing the City of Enterprise, said they didn't enlarge the footprints of their lagoons, but they did take the two existing lagoons and made them into four by putting dikes in the middle and made one deeper. He said they also added some aeration equipment that ties back into the blower building and the buoys help oxygenate and circulate the water.

Russ Funk, representing Sunrise Engineering, explained this system is sufficient for the next twenty (20) years; although they did not change the footprint, they quadrupled the capacity of the system by adding the aeration equipment. Mr. Funk also informed the commission that the deepest cell is a twelve foot deep operating cell and the rest of them have a six foot operating depth and they all have three feet of free board. In response to the commission, he said that although the city is on a sewer system, they do provide a place for people to dump waste from septic systems and porta potties during business hours. Mr. Funk explained that the state likes to see this type of facility so people will dispose of their waste in a treatment facility. Also, in response to the commission he stated they do have a permit to discharge and after it goes through the treatment cycle it can be discharged onto their property, but before they do that it is treated with low level chlorine, which is required by the state. He informed the commission that the Division of Environmental Quality oversees the regulatory, discharge, maintenance and construction of the facility and they have been very involved with the project during construction and once it is operational they will come down about once a year. A licensed manager is also generally on site.

Motion made by Commissioner Balen to recommend approval of the expansion of the sewer lagoons for the Town of Enterprise, with permanent status, based of last years facts and findings, which were: 1) State requested changes for improvement; 2) This is a public utility and is compatible with existing zone use; 3) Footprint will remain the same, change will result in better treatment; 4) Meets standards of the zone; 5) This is an existing use; and 6) Improves health & safety concerns for residents. Commissioner Cropper seconded the motion, with all six (6) commissioners voting aye.

Item #4. CONDITIONAL USE PERMIT EXTENSION. Review extension on a Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, sponsored by City of St. George Recreation. St. George City/Aaron Metler, applicant

The Planner said this is an automatic annual review for the "Lake to Lake Team Relay" event scheduled for March 6th, 2010. St. George City is the host community for this event, with some of the route being in Washington County, which extends beyond their city limits. This is a one day event that will impact the travel on the Gunlock Rd. and Hwy 91 between 8 a.m. and 10 a.m. As previously reviewed, they have capped the race at 150 teams and only one runner at a time, although each team may consist of five (5) members. The applicant is in attendance to review last years event and address any issues that may have come up with the routing, garbage, aid stations, course marking, hours and rules. The Sheriff's Office worked with the City on a joint safety plan and they will provide law enforcement services at the race. Again, these types of uses are conditionally approved to make the commission and the public aware of activities and locations. The planner indicated there were no facts and findings made last year.

Aaron Metler, representative for St. George City Recreation, stated they had a total of thirty eight (38) teams last year and are expecting about sixty (60) this year. Mr. Butler explained they had two porta potties at the start, as well as the bathrooms already at Gunlock and two at the first exchange; they plan to increase those to three at both locations. They had a set of rules which penalized teams for not using porta potties and did not have anyone break this rule. He said they also have a penalty in their rules for trash and it is enforced by three staff members who monitor the course throughout the relay. Mr. Butler said the course will remain the same this year and they still plan to have a lower speed limit on Gunlock RD and they will have the county police on the course monitoring for safety. Also, Utah Barricade will be helping them out this year by placing barricades, cones and signs. He stated they are working with the county police to develop a parking plan and they will either do parking onsite or they will bus the teams in. Mr. Butler showed the commission a map of the exchange showing the planned parking areas, caution signs, porta potties and the location of the police. He explained throughout the rest of the course the runners will only be on the left shoulder of Highway 91 and Gunlock RD. He said St. George City did not hear any complaints about the event last year and look forward to getting a permit to do it again this year. In response to the commission, he explained the route of the event and stated in St. George they use a lot of existing trails.

Facts/findings:

- **Meets requirements of the ordinance**
- **Contact with Sheriff's Office and they are in support of event**

All six (6) commissioners unanimously voted aye on each fact and finding.

Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit Extension for the Lake to Lake Relay from Gunlock Reservoir to Sand Hollow Reservoir, sponsored by City of St. George Recreation, based on facts and findings and subject to the required insurance being provided. Commissioner Balen seconded the motion, with all six (6) commissioners voting aye.

Item #5. CONDITIONAL USE PERMIT EXTENSION. Review extension for the "Redrock Relay Race" from Brian Head to Kolob Road, through the communities, then on to Hwy 91 to the Gunlock Road, ending at Veyo, Saturday, September 10, 2010, within the County unincorporated areas. Tim Collings, applicant

The Planner informed the commission that the applicant would like to change the date of this event from Labor Day weekend to September 10th, 2010. This is a review of the 1st extension for the two (2) day event sponsored by Tim Collings/Red Rock Relay, which is a twelve (12) man team event that covers 180 miles from Brianhead Resort and finishes at the Tuacahn Amphitheater in Ivins. The unincorporated areas for County review will be the Kolob Road to Virgin, the loop from Ivins to Gunlock, northeast to Veyo, and then south through Snow Canyon to Tuacahn. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application. The applicant will need an updated liability insurance policy in place, listing Washington County as a beneficiary. The Washington

County Sheriff's Department is aware of the event and is working with the applicant on schedules. The applicant has made a request for road closure on Kolob Mountain and it will need to be reviewed and approved by the Public Works Department. Staff has concerns with this request for road closure on narrow steep terrain. Mr. Collings is present to update the commission on the previous event. There was one complaint from Blue Duck Racing, who was approved on the same date for a run from Veyo to Gunlock. To resolve any issues, Mr. Collings requested a date change. The planner indicated there were no facts and findings made last year.

Tim Collins, representative for Red Rock Relay, explained each runner runs an average of fifteen miles; they have twelve (12) members per team and two vehicles per team, with six (6) members in each vehicle. Each member will rotate running a five mile leg and resting. He said it was very successful last year, with the exception of some conflict with Blue Duck, whom had a race at the same time last year. Since Red Rock Relay has rescheduled their dates this year that will no longer be an issue. He informed the commission they had sixty (60) teams last year and anticipate it to be doubled this year. Mr. Collins also said they obtain permits from each city they travel through and provide liability insurance. He also said that although they do provide barricades and signs, he would like to discuss the possibility of closing the roads.

Todd Edwards, County Engineer, said his concern was that Kolob only has one way in and one way out, so they prefer to keep the roads open. He said signage and advising people of a reduced speed limit would be adequate.

Facts/findings:

- **Meets requirements of the ordinance**
- **Comparable with other running events in the County**
- **Contact with Sheriff's Office and they are in support of event**

All six (6) commissioners unanimously voted aye on each fact and finding.

Motion was made by Commissioner Ford to recommend approval of the Conditional Use Permit Extension for the Redrock Relay Race from Brian Head to Kolob Road, through the communities, then on to Hwy 91 to Gunlock Road to Veyo and on to SR18 to Snows Canyon, based on facts and findings. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye.

Item #6. CONDITIONAL USE PERMIT. Request permission for the "IRONMAN" St. George Triathlon to take place in Washington County on May 1, 2010. Jeff Gardner, agent

The Planner said the number of IRONMAN applicants will be capped at 2,500 and it is estimated that 2,200 actual participants will be in town for the May 1st, 2010 triathlon. The agent has submitted plans for the bike course, which runs 112 miles and loops twice from Old Hwy 91 to Gunlock, Veyo, Hwy 18 and Bluff Street. The bike ride is the only portion of the IRONMAN event within County jurisdiction. There will be three (3) Bike Aid stations in the unincorporated area of the County as follows: 1) on Main Street in Gunlock just after the church; 2) on Center Street in Veyo about 2 blocks before SR-18; and 3) Bike Special Needs located between

Dammeron Valley Rd. and Homestead Dr. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application. The bike course is the 2nd event and has a cut off at the start of the second loop (64-mile mark) at 2:05pm. Any rider who has not reached the start of the second loop of the bike by 2:05pm will not be permitted to continue. The bike course will close at 5:30pm. Athletes arriving at the bike dismount line after 5:30pm will not be permitted to continue. The swim course will be the 1st part of the event, which is 2.4 miles at the Sand Hollow Reservoir in Hurricane. This course will close at 9:20am – two hours and twenty minutes after the start. Athletes who have not crossed the timing mat at the swim exit by 9:20am will not be permitted to continue. The run course is the last event of the day and is 26.2 miles, 2 loops along Main St., Diagonal Rd, Bluff and Red Hills Pkwy in St. George. There is a cut off at the half way point of the run (13.1-miles) at 9pm. Athletes who have not reached the turnaround at Main and Tabernacle Streets by 9pm will not be permitted to continue. The run course will close at midnight. All athletes still on the run course after the cut-off time will be disqualified but given the opportunity to unofficially finish the race.

Jeff Gardner, representing the Ironman triathlon, said the race begins at 7:00am with a 2.4 mile swim, followed by a 26.2 mile marathon and they have until midnight to complete it. Mr. Gardner informed the commission that the event will be recorded; it will be live on the internet and a month or two later it will be broadcast on NBC Universal Sports. Mr. Gardner said it is estimated to bring in eight (8) to ten (10) million dollars. He explained the race is capped at twenty five hundred people and sells out quickly. He said participants do not have to qualify to participate in this race, but there are sixty five qualifying spots from this race for the world championships in Hawaii. He explained it takes about four thousand volunteers for a race of this magnitude and those interested in volunteering can sign up on line. Mr. Gardner reviewed the course with the commissioners.

Facts/findings:

- **Meets requirements of the ordinance**
- **Comparable with other biking events in the County**
- **Contact with Sheriff's Office and they are in support of event**
- **Liability insurance policy is in place.**

All six (6) commissioners unanimously voted aye on each fact and finding.

Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit for the Ironman St. George Triathlon, for the biking portion of the event that goes on to Hwy 91 to Gunlock Road to Veyo and on to SR18 and loops again on the same route, based on facts and findings. Commissioner Cropper seconded the motion, with all six (6) commissioners voting aye.

Item #7. CONDITIONAL USE PERMIT. Request permission for a charity event for New Harmony Fire Mud Run to be held on May 22nd, 2010, races include a 10Km 5Km, or 1Km youth, located at the Old Highway 91 bridge in Kolob Mtn. Ranches Subdivision. Andrew Osborn, agent

The Planner explained the agent has submitted a packet for the New Harmony Fire Mud Run to be held on May 22nd, 2010. The event will start and finish on the Old Hwy. 91 bridge at the Kolob Mountain Ranch Subdivision. The “mud run” will be a series of races designed to challenge the individual or teams to race using military style obstacles. This would include the scaling of walls, culvert pipe crawls, hay bale barricades, and mud pits. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application. Their Proposal and Plan Outline addresses an emergency service plan, parking, transport, and road closure, which will need to be reviewed by the Public Works Department. The plan also addresses refuse and port-a-potties. The applicant has been asked to contact the Sheriff’s Office for review of services and once the race leaves the pavement, there may be approximately 1 mile of BLM land. Staff has asked the agent to review application with these other agencies. The agent will need an updated liability insurance policy in place, listing Washington County as a beneficiary.

Andrew Osborn, representing the New Harmony Valley Volunteer Fire Association, said this race is to raise funds for the New Harmony Fire Department and the net funds from this race will be used to provide equipment for the department. He said they do plan on this being an annual event and these types of races are very popular. Mr. Osborn showed the commission the map of the 1K, 5K and 10K routes. He informed the commission that they do expect to need a road closure at the intersection of Highway 91 and Escalante and again at Badger Way and Old Highway 91. He said to his knowledge only two residences would be affected by the closure and the route does not have a lot of traffic. They hope to have three hundred participants, but at this point they really don’t know. He informed the commission that the parking plan will allow for six hundred vehicles along Badger Way. The race will cost forty five dollars per person, with discounts being given to military, fire fighters and police.

Facts/findings:

- **Comparable with other running events in the County**

All six (6) commissioners unanimously voted aye on each fact and finding.

Motion was made by Commissioner Cropper to recommend approval of the Conditional Use Permit for the New Harmony Fire Mud Run, based on one fact and finding and subject to all other stipulations being reviewed by planning staff, which are: 1) meets requirements of the ordinance; 2) contact with Sheriff’s Office, knowing they are in support of event; 3) liability insurance policy is in place; and 4) letter from BLM. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye.

Item #8. PUBLIC HEARING: Open hearing for Washington County Land Use (Zoning) Ordinance amendments regarding PD Planned Development Zone. County initiated.

The Chairman opened the public hearing at 3:15 p.m.

The Planner referenced the State Code requirement in amending the Washington County Land Use Ordinance, which requires a minimum ten days published notice and 24 hour posting of agenda before other public meetings, with this hearing being advertised properly.

The Planner indicated that the County Commission wanted further review of the zone areas minimum district size, so smaller land areas are viable, such as 40 acre tracts. The staff and commissioners met for a scheduled appointment for a special work meeting review on January 26th, 2010. The commission said they did not want to be in the business of collecting impact fees for service to roads and infrastructure, within these types of developments. Control on density, market place values, and property rights were discussed. Reference was made to the requirement of 30 percent open space and the minimum of 25 percent being landscaped. If naturally occurring areas are deemed appropriate for development, then a percentage may be used as a part of open space, otherwise, these areas are excluded. Current ordinance allows for 6 units per acre and this revision shows base density of units per acre being at 5 units; a density of 200 per 40 acres. The project plan will need to be of the entire development identifying specific phases, all inclusive circulation/transportation facilities, land uses, proposed densities, open spaces, natural site features and walkways. A 40 acre project may be done in phases. It was determined that the minimum acreage requirement would be set at 40 acres for the planned residential development district. A suggestion was made to cut the difference in half, between 160 and 40, which would be 80 acres. The commission declined this option, suggesting that if we start with 40 acres and it doesn't work then the acreage size requirement should be changed.

The Chairman closed the public hearing at 3:23 p.m., with no public comment being offered.

Item #9. ORDINANCE AMENDMENT. Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title10, Chapter 9, PD Planned Development Zone. County initiated.

The planner indicated there was nothing more to add, with this PD Ordinance being in the works for almost two years.

Fact/findings:

- **Update an outdated ordinance**
- **Consistent with ordinances adopted by surrounding communities within the County**
- **Compatible with Vision Dixie**

All six (6) commissioners unanimously voted aye on each fact and finding.

Motion was made by Commissioner Balen to recommend approval of the PD Ordinance Amendment, based on facts and findings. Commissioner Cropper seconded the motion, with all six (6) commissioners voting aye.

Item #10. PUBLIC HEARING. Open hearing for Washington County Land Use Authority on an amendment to the Residential Estates Zone, which is a housekeeping item to the Washington County Land Use (Zoning) Ordinance. County initiated.

The Chairman opened the public hearing at 3:28 p.m.

The planner advised that there was a change in text by Lead Civil Attorney, Dave Patterson, which would identify being in compliance with the State Code. Legal council confirmed that recognizing the number of days for advertising would mean further changes to the ordinance if there are future legislative changes.

The chairman questioned if this was a change to what was advertised and planner indicated that it was, so it would need to be readvertised.

Chairman Stucki indicated he would take comments from Mr. Jorquez and Mr. Kofoed at the end of this meeting, since their discussion does not pertain to this particular item.

Hearing closed at 3:32 p.m.

Item #11. ORDINANCE AMENDMENT. Consider approval of changes to Title10, Chapter 8B: Residential Estates Zone, Section 10-8B-3.B.c: Conditional Uses: ten (10) day notice prior to hearing. County initiated.

No action taken.

Item # 12. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on February 2, 2010. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Director; Tina Esplin, Washington County Water Conservancy District; Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department.
Excused: Ron Whitehead, Public Works Director

CONDITIONAL USE PERMIT:

A. Request permission to construct an accessory dwelling as a part of a detached garage (casita), within the RE-40.0 zone, Canyon Trails, Phase 2 , Lot 20, Dammeron Valley, Utah. Paul and Ardeth Eastvold, applicant and Thomas Prehal, agent.

The applicant has requested an accessory dwelling within a garage structure, which is located at 1587 N. Canyon Trails Dr., in Dammeron Valley. The applicant submitted a site plan and a floor plan will be reviewed by the building staff, with a file copy submitted for the planning file. The septic permit is approved for the main dwelling and is adequate for the 1 bedroom added in the accessory dwelling, which was obtained from the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units and the casita portion is less than 900 square feet. **The Conditional Use Permit was approved for one (1) year, subject to review of the floor plan during the permit process by the Department of Building Safety.**

Item # 13. MINUTES Consider approval of the minutes of the regular planning commission meetings held on January 12 and 26, 2010.

Motion was made by Commissioner Christopher to approve the minutes from January 12, 2010. Commissioner Balen seconded the motion. Six (6) commissioners voted aye.

Motion was made by Commissioner Cropper to approve the minutes from January 26, 2010. Commissioner Wilson seconded the motion. Six (6) commissioners voted aye.

Item # 14. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner advised no action was taken on Planning Items by the Washington County Commission on February 2, 2010, beginning at 4:00 p.m.

Item # 15. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated.

Ken Kofoed, resident of Cliff Dwellers, explained that he lives a couple hundred feet from the water tower and the last several months have been a nightmare since the construction of the cell tower. He told the commission he hopes they have higher expectations of how the residents should be treated, than they feel like they have had. Mr. Kofoed expressed his disapproval of the permitting process and the lack of notification to surrounding residents. He said the applicants deliberately left Sky Ranch Airport off of their application to the FFA, but the FFA is unwilling to get involved at this point. He finds this tower to have consequences from a cosmetic stand point and possibly health consequences and he hopes the commissioners each have one near their homes. Mr. Kofoed again emphasized his disapproval for the planning process and the lack of notification requirements.

Mr. Jorquez, resident of Cliff Dwellers, described the tower as being over 110 feet tall and a very shiny stainless steel structure, located in the middle of a very scenic area. He said this beautiful area attracts many tourists, events and retirees. Mr. Jorquez stated the cell tower is like graffiti in the middle of their neighborhood and it is very offensive. He told the commission he is familiar with other cases in the county where they were conscious of the esthetic issues. His goal was to help people in the future by voicing his opinion to improve the notification process. He said we need to protect this glorious land and the commission needs to find a natural way to inform the public and include them in these conversations.

The Planner explained that the agenda is posted not published with The Spectrum, it is on the county web site, posted in all county libraries, and it is emailed to people in the Sky Ranch area twenty four hours prior to the meeting.

The Chairman asked for suggestions on how to improve the notification process pertaining to Conditional Use Permits.

Mr. Kofoed said it is a no brainer that a sign should be posted on the site of the proposed project at the applicant's expense. He stated he did not think posting with the newspaper, or at the library was an acceptable form of notification. He did not think he should have to monitor the internet web site or search for things that are going on above his head, on a regular basis. He said the commission owes it to the residents to be certain that the general public gets an announcement. They should not be issuing permits that will have this type of impact on people without some type of disclosure. He informed the commission that the residents have been dumped on and the commission should make sure this doesn't continue to happen. Mr. Kofoed talked about his neighborhoods CC & R's which prohibit solar power panels and the counties unwillingness to help him out.

The Planner explained the county use to post signs prior to having guidelines set by the state and it was not effective.

The Deputy Attorney explained that the ordinances pertaining to cell towers are being completely revamped based on federal case law. She explained the federal government has basically tied their hands when it comes to what they can or cannot do when it comes to cell towers. She added a review is being done and a study is being conducted to determine the best place to locate cell towers and the county is looking at that and will be having work meetings that the residents are welcome to attend.

Commissioner Christopher explained that there are times when the commission is legally unable to do things and would like Mr. Kofoed to understand what those limitations are. She thinks working together in small groups and working to change the laws that bound them is the answer.

Chairman Stucki said he was under the impression that the applicant had notified the residents and no one disputed that at the time the permit was issued. However, land owners have rights that are held sacred and once they comply with the ordinances the commission can not deny them. In response to Mr. Kofoed, he stated that if the neighbors had been notified the commission would have listened to what they had to say, but the permit would have still been issued if the applicant had complied with the ordinance.

Commissioner Christopher noted that the commission serves for the people; to be the voice of the residents; working for their own community.

Mr. Jorquez stated he felt the commissioners sincerity, but they are up against lawyers and corporate people who have the know how to get through the loop holes.

The commission and staff decided to discuss this topic further at a later date.

There being no further business at 4:05 p.m., Chairman Stucki adjourned the meeting.

Darby Klungervik, Planning Secretary